

ASSEMBLY BILL

No. 2286

Introduced by Assembly Member Mullin

February 18, 2016

An act to amend Sections 7137 and 7153.3 of, and to add Sections 7067 and 7153.5 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2286, as introduced, Mullin. Contractors: home improvement salespersons.

Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors, including home improvement contractors, by the Contractors' State License Board within the Department of Consumer Affairs. Existing law also provides for the registration and regulation of home improvement salespersons, who are employed by a licensed home improvement contractor, by the board.

Existing law requires the fees and civil penalties received under this law to be deposited in the Contractors' License Fund, a continuously appropriated fund. Existing law authorizes the board to set fees by regulation and sets forth certain limitations on those fees. Existing law, in connection with a delinquent application for the renewal of registration of a home improvement salesperson, establishes a delinquent renewal penalty.

This bill would increase various fee limitations and would additionally provide that the application fee to add personnel to an existing license be no more than \$150. The bill would also increase the delinquent renewal penalty described above. Because the increased and new fees

would be deposited into the Contractors' License Fund, a continuously appropriated fund, the bill would make an appropriation.

Existing law, on and after July 1, 2016, requires a board within the department to expedite, and authorizes the department to assist with, the initial licensure process for an applicant who supplied satisfactory evidence that he or she has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law also establishes a similar expedited licensure process for an applicant who holds a current license in another jurisdiction and has a specified relationship with such an active duty member who is assigned to a duty station in this state under official orders.

This bill would require the board to establish, by regulation, expedited processes for applications for licensure of contractors and registration of home improvement salespersons, including criteria for approval. The bill would exempt from these regulations an application that is required to be expedited pursuant to other law, including, but not limited to, the applications of those aforementioned applicants who have, among other things, served as an active duty member of the Armed Forces of the United States or have a specified relationship with such an active duty member.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7067 is added to the Business and
2 Professions Code, to read:
3 7067. The board shall, by regulation, establish an expedited
4 process for applications for licensure, including criteria for
5 approval. Those regulations shall not apply to an application for
6 licensure that is required to be expedited pursuant to other law,
7 including, but not limited to, Section 115.4 or 115.5.
8 SEC. 2. Section 7137 of the Business and Professions Code is
9 amended to read:
10 7137. The board shall set fees by regulation. These fees shall
11 not exceed the following schedule:
12 (a) (1) The application fee for an original license in a single
13 classification shall not be more than three hundred *sixty* dollars
14 ~~(\$300): (\$360).~~
15 The

1 (2) *The* application fee for each additional classification applied
2 for in connection with an original license shall not be more than
3 seventy-five dollars (\$75).

4 ~~The~~

5 (3) *The* application fee for each additional classification pursuant
6 to Section 7059 shall not be more than ~~seventy-five dollars (\$75).~~
7 *three hundred dollars (\$300).*

8 ~~The~~

9 (4) *The* application fee to replace a responsible managing officer,
10 responsible managing manager, responsible managing member,
11 or responsible managing employee pursuant to Section 7068.2
12 shall not be more than ~~seventy-five dollars (\$75).~~ *three hundred*
13 *dollars (\$300).*

14 (5) *The* application fee to add personnel, other than a qualifying
15 individual, to an existing license shall not be more than one
16 hundred fifty dollars (\$150).

17 (b) The fee for rescheduling an examination for an applicant
18 who has applied for an original license, additional classification,
19 a change of responsible managing officer, responsible managing
20 manager, responsible managing member, or responsible managing
21 employee, or for an asbestos certification or hazardous substance
22 removal certification, shall not be more than sixty dollars (\$60).

23 (c) The fee for scheduling or rescheduling an examination for
24 a licensee who is required to take the examination as a condition
25 of probation shall not be more than sixty dollars (\$60).

26 (d) The initial license fee for an active or inactive license shall
27 not be more than ~~one hundred eighty dollars (\$180).~~ *two hundred*
28 *twenty dollars (\$220).*

29 (e) (1) The renewal fee for an active license shall not be more
30 than ~~three hundred sixty dollars (\$360).~~ *four hundred thirty dollars*
31 *(\$430).*

32 ~~The~~

33 (2) *The* renewal fee for an inactive license shall not be more
34 than ~~one hundred eighty dollars (\$180).~~ *two hundred twenty dollars*
35 *(\$220).*

36 (f) The delinquency fee is an amount equal to 50 percent of the
37 renewal fee, if the license is renewed after its expiration.

38 (g) The registration fee for a home improvement salesperson
39 shall not be more than ~~seventy-five dollars (\$75).~~ *ninety dollars*
40 *(\$90).*

1 (h) The renewal fee for a home improvement salesperson
2 registration shall not be more than ~~seventy-five dollars (\$75)~~. *ninety*
3 *dollars (\$90)*.

4 (i) The application fee for an asbestos certification examination
5 shall not be more than ~~seventy-five dollars (\$75)~~. *ninety dollars*
6 *(\$90)*.

7 (j) The application fee for a hazardous substance removal or
8 remedial action certification examination shall not be more than
9 ~~seventy-five dollars (\$75)~~. *ninety dollars (\$90)*.

10 (k) In addition to any other fees charged to C-10 and C-7
11 contractors, the board may charge a fee not to exceed twenty dollars
12 (\$20), which shall be used by the board to enforce provisions of
13 the Labor Code related to electrician certification.

14 SEC. 3. Section 7153.3 of the Business and Professions Code
15 is amended to read:

16 7153.3. (a) To renew a home improvement salesperson
17 registration, which has not expired, the registrant shall before the
18 time at which the registration would otherwise expire, apply for
19 renewal on a form prescribed by the registrar and pay a renewal
20 fee prescribed by this chapter. Renewal of an unexpired registration
21 shall continue the registration in effect for the two-year period
22 following the expiration date of the registration, when it shall
23 expire if it is not again renewed.

24 (b) An application for renewal of registration is delinquent if
25 the application is not postmarked or received via electronic
26 transmission as authorized by Section 7156.6 by the date on which
27 the registration would otherwise expire. A registration may,
28 however, still be renewed at any time within three years after its
29 expiration upon the filing of an application for renewal on a form
30 prescribed by the registrar and the payment of the renewal fee
31 prescribed by this chapter and a delinquent renewal penalty in ~~the~~
32 *an amount of twenty-five dollars (\$25). equal to 50 percent of the*
33 *renewal fee*. If a registration is not renewed within three years, the
34 person shall make a new application for registration pursuant to
35 Section 7153.1.

36 (c) (1) The registrar may refuse to renew a registration for
37 failure by the registrant to complete the application for renewal of
38 registration. If a registrant fails to return the application rejected
39 for insufficiency or incompleteness within 90 days from the
40 original date of rejection, the application and fee shall be deemed

1 abandoned. Any application abandoned may not be reinstated.
2 However, the person may file a new application for registration
3 pursuant to Section 7153.1.

4 ~~The~~

5 (2) *The* registrar may review and accept the petition of a person
6 who disputes the abandonment of his or her renewal application
7 upon a showing of good cause. This petition shall be received
8 within 90 days of the date the application for renewal is deemed
9 abandoned.

10 SEC. 4. Section 7153.5 is added to the Business and Professions
11 Code, to read:

12 7153.5. The board shall, by regulation, establish an expedited
13 process for applications for a registration, including criteria for
14 approval. Those regulations shall not apply to an application for
15 a registration that is required to be expedited pursuant to other law,
16 including, but not limited to, Section 115.4 or 115.5.